



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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June 13, 2011

Lisa P. Jackson, Administrator  
United States Environmental Protection Agency  
Office of the Administrator  
401 M Street, SW  
Room 1200 WT\1101  
Washington, DC 20460

**EPA Docket ID: EPA-HQ-OAR-2011-0081**

Dear Administrator Jackson,

On behalf of the State of New Jersey, enclosed are comments on the United States Environmental Protection Agency's (USEPA) proposed rule to grant New Jersey's September 17, 2010 petition pursuant to Section 126 of the Clean Air Act, 42 U.S.C. § 7426, seeking reductions in emissions from the coal-fired Portland Generating Station ("Portland Plant") in Upper Mount Bethel Township, Northampton County, Pennsylvania. The petition demonstrates that emissions from the Portland Plant are significantly contributing to and causing nonattainment of the health-based 1-hour sulfur dioxide ("SO<sub>2</sub>") National Ambient Air Quality Standard ("NAAQS") in New Jersey.

The State of New Jersey supports the proposed approval of the Section 126 petition for the Portland Plant. The State recognizes the significant effort the USEPA invested in its review of New Jersey's 126 petition and appreciates the favorable proposal to eliminate the negative impact of the Portland Plant emissions on air quality and human health.

New Jersey urges the USEPA to adopt the final rule as quickly as possible to provide relief to the affected citizens of New Jersey from the harm caused by the Portland Plant. We also note that the demonstrated area of health standard exceedances extends into 3 counties in Pennsylvania. Per Section 126(c)(2) of the Clean Air Act, the USEPA should require the shut-down of the coal-fired units at the Portland Plant within 3 months of its final rule. Any delay in achieving reductions at this plant is another potential unhealthy day for the citizens of New Jersey and Pennsylvania. New Jersey continues to see exceedances of the 1-hour SO<sub>2</sub> NAAQS at the Columbia Lake monitor 1.2 miles northeast of the Portland Plant.

The Clean Air Act does provide the possibility of up-to a three (3) year extension of the 3-month compliance deadline with interim measures. The USEPA proposed an interim 50% control level within a year, utilizing this provision of the Act. Neither an extension or a 50% reduction is acceptable to the state of New Jersey. New Jersey strongly believes that more reductions are possible and reasonable in a shorter timeframe. A power plant in New Jersey implemented short term measures (ultra-low sulfur coal), which provided over an 80% reduction in SO<sub>2</sub> emissions, changing from less than 1% sulfur coal to less than 0.2% sulfur coal.

The Portland Plant can reduce the amount of coal burned, change the coal to a much lower sulfur coal, and inject a reagent that will absorb some of the SO<sub>2</sub>, to achieve 80 to 95% reduction. Reducing the amount of coal burned could be done immediately; changing from 2% sulfur coal to 0.2% sulfur coal would achieve 90% reduction at the Portland Plant; and dry sorbent injection could increase the emission reductions to over 95%.

Given the long term pollution track record of this plant, if significant reductions cannot be made expeditiously, New Jersey strongly supports the closure of the GenOn Portland plant. Over the longer term, a conversion to natural gas should be considered by GenOn. The burden to justify any operation beyond 90 days should be on GenOn. New Jersey urges the USEPA to ensure interim reductions are no less than 80% within 90 days, and 95% reductions are phased in as soon as possible.

New Jersey is also providing comments on the independent modeling study performed by the USEPA. New Jersey's modeling correctly demonstrates that a reduction of 95% or better is needed to ensure our public's health is protected and to achieve and maintain attainment with the 1-hour SO<sub>2</sub> NAAQS.

The coal fired power plants in New Jersey are proof that controlling emissions from power plants is reasonable and possible. If New Jersey's 0.15 lbs SO<sub>2</sub> per million BTU emission limit were applied to the Portland Plant, over 95% reduction in SO<sub>2</sub> would result. New Jersey urges EPA to consider such limitations at the Portland Plant based on New Jersey's successful approaches to controlling these unhealthy emissions.

The most expeditious procedural route to reducing the harmful impacts of the Portland Plant's emissions is through the Section 126 timeframes and not the State Implementation Plan (SIP) process. Delaying action on a 126 petition in order to wait for the SIP process is also unlawful under Section 126 of the Clean Air Act. The SIP process would not achieve reductions until potentially the attainment date in 2017, whereas the 126 petition can result in reductions by 2012, five years earlier than the SIP timeframes. The citizens of New Jersey have suffered long enough, and the EPA has the power to provide them immediate relief.

Thank you for your continuing attention to this important public health problem. I welcome the opportunity to discuss this matter with you. I can be contacted at (609) 292-2885. Director Bill O'Sullivan, head of my Division of Air Quality, can be contacted at (609) 984-1484.

Sincerely,



Bob Martin  
Commissioner

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